

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States of America,

§

Plaintiff,

§

vs.

§

§

Civil Action \_\_\_\_\_

(CDCS: 2019A11185)

§

Rufino Diaz d/b/a Diaz Plastering,

§

Defendant.

§

§

## Complaint

1. *Jurisdiction.* The district court has jurisdiction because the United States is a party. *See* U.S. CONST., art III, § 2, and 28 U.S.C. § 1345.
2. *Venue.* The defendant resides in Harris County, Texas, and may be served with process at 2554 W. Little York, Houston, Texas 77091.
3. *The Debt.* The debt owed to the United States arose through a promissory note from U.S. Small Business Administration. The debt on the date of the Certificate of Indebtedness was:
 

A.	Current principal	\$	26,692.34
B.	Interest (capitalized and accrued)	\$	7,002.90
C.	Administrative fees, costs, penalties (Including \$400.00 Filing fee)	\$	12,558.08
D.	Balance due	\$	<u>46,253.32</u>
- E. Prejudgment interest accrues at 6.00% per annum being \$4.39 per day.
- F. The current principal in paragraph 3 A is after credits of \$79,028.89.

4. *Default.* The United States has demanded that the defendant pay the indebtedness, and the defendant has failed to pay it.
5. *Prayer.* The United States prays for judgment for:
  - A. The sums in paragraph 3, pre-judgment interest, administrative costs, and post-judgment interest.
  - B. Other relief the court deems proper.

Respectfully submitted,

CERSONSKY, ROSEN & GARCÍA, P.C.

By: /s/ M. H. Cersonsky

M. H. Cersonsky, TBN: 04048500  
1770 St. James Place, Suite 150  
Houston, Texas 77056  
Telephone: (713) 600-8500  
Fax: (713) 600-8585

Attorneys for Plaintiff

For Important Information About This Lawsuit Please See Next Page.

## **Federal Court Suit**

- 1. You have been served in a lawsuit.**
- 2. If you dispute the debt in it, you must file a written response to the lawsuit with the court and the government's lawyer. If you do not, a default judgment will be taken against you.**
- 3. Your written response is due 21 days after the day you got the lawsuit papers.**
- 4. Mail your written response to:**

**Clerk  
United States District Court  
P.O. Box 61010  
Houston, Texas 77208**

**and send a copy to the lawyers for the United States at:**

**M. H. Cersonsky  
Cersonsky, Rosen & García, P.C.  
1770 St. James Place, Suite 150  
Houston, Texas 77056**

**Be sure to put your case number and name on your response.**

- 5. If you do not dispute the debt claimed in the lawsuit and want a payment plan, please contact Eddith Salazar at (713) 600-8500.**



U.S. DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, DC 20227

ACTING ON BEHALF OF  
U.S. SMALL BUSINESS ADMINISTRATION  
CERTIFICATE OF INDEBTEDNESS

Rufino Diaz dba Diaz Plastering  
2554 W. Little York  
Houston, Texas 77091

Agency Claim #: TRFM2014327634/2193585006

I hereby certify, as part of my duties with the U.S. Department of the Treasury (Treasury), including referring matters to the U.S. Department of Justice (DOJ) for litigation, I am a custodian of records of certain files sent by the U.S. Small Business Administration (SBA) to Treasury for collection actions. As a custodian of records for Treasury, I have care and custody of records relating to the debts owed by Rufino Diaz dba Diaz Plastering (DEBTOR) to SBA.

On 12/27/2006, the DEBTOR executed a promissory note related to the unconditional guarantee loan agreement for \$70,000.00 entered into on 12/26/2006, with *fluctuating* interest accruing at a rate of 11.80%, except as otherwise provided within the Promissory Note with JP Morgan Chase N.A., (LENDER). Pursuant to Section 7(a) of the Small Business Act, as amended, the SBA guarantees 50% of this loan.

From December 26, 2006 through December 1, 2009, the LENDER disbursed a total of \$87,148.82 of which the DEBTOR made payments totaling \$79,028.89. The payments were applied, \$60,456.48 to the principal and \$18,572.41 to the interest. The DEBTOR became delinquent on the obligation on December 26, 2013 with a balance due of \$27,297.37. Due to the delinquency, the SBA had to pay the guaranteed 50% and became holder of the Note.

The information contained in this Certificate of Indebtedness is based on documents created by an employee or contractor of SBA based on his/her knowledge at or near the time the events were recorded, or by an employee or contractor of Treasury based on his/her knowledge at or near the time the events were recorded. Treasury's regular business practice is to receive, store and rely on the documents provided by SBA, when debts are referred to Treasury for collection activities, including litigation.

SBA referred the claim to Treasury's Bureau of the Fiscal Service, Debt Management Services (DMS) to collect the delinquent debt on November 18, 2014. Further, I certify that I am familiar with Treasury's record keeping practices, including the receipt of files from SBA.





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On November 16, 2018, DMS referred the claim to DOJ for litigation and collection in the amount due of \$45,805.55 with daily interest of \$4.39. As of November 27, 2018, the DEBTOR are indebted to the United States in the amounts stated as follows:

Principal:	\$ 26,692.34
Interest (@6.00%):	\$ 7,002.90
Admin Fees:	\$ 12,158.08
<b>Total:</b>	<b>\$ 45,853.32</b>

The balances stated in the case listed above are current as of November 27, 2018, including any applicable interest, penalties, administrative fees, and DMS & DOJ fees (pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note).

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by SBA and information contained in Treasury's records.

11/28/2018

X *Natalie R. Stubbs*

Signed by: Natalie R. Stubbs  
Natalie R. Stubbs  
Financial Program Specialist  
U.S. Department of the Treasury  
Bureau of the Fiscal Service